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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			HOLLIDAY, JAIME MICHELE	
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			2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/607,180	Applicant(s) FAUCHER ET AL.	
	Examiner Jaime M. Holliday	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 26 is/are rejected.
- 7) ☐ Claim(s) 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Response to Arguments

1. Applicant's arguments with respect to **claims 1-22** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 1, 23 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Menard (Pub # U.S. 2003/0001743 A1)** in view of **Oxley (U.S. Patent # 6,671,350 B1)**.

Consider **claim 1**, Menard clearly shows and discloses a personal device **100** carried on the person of the victim **V**. The victim undergoes some sort of cardiac problem, such as tachycardia, that causes the personal device to attempt to establish communication with a caregiver. While this is going on, a bystander **B** attempts to give aid to the victim. The bystander is carrying on his person a personal wireless device **600**, for example, a cell phone. When the personal device attempts to establish communication, it sets up communication with the personal wireless device by local area wireless **330**, for example. Next, the personal device may request the personal wireless device to establish a connection to the dispatcher or medical caregiver **D**, using network based communications **360**. Using network based communications, the personal wireless device establishes a connection to the computer of the dispatcher or medical caregiver, reading on the claimed "system for contacting help comprising: an emergency device carried on the person of a user, said emergency device having a wireless sending unit activated by an activation unit; a mobile telephone having a wireless receiving unit adapted to receive signals

from said wireless sending unit, said mobile telephone being adapted for communicating with a telephone network to call an emergency number; in which said emergency device sends a signal to said mobile telephone in response to the activation of said wireless sending unit; and said mobile telephone calls said emergency number in response to said signal," (paragraphs 98-100).

However, Menard fails to specifically disclose that the personal device is formed to prevent accidental activation.

In the same field of endeavor, Oxley clearly shows and discloses a system for the provision of emergency information on a real time basis. A distressed subscriber uses a wireless communication device (WCD) to place an emergency call, reading on the claimed "emergency device." The WCD has a standard housing and number pad for establishing wireless connections. An emergency activation button allows the user, in touch of a single button, to turn the device on, dial an emergency number and convey decodable and aural signals. The communication device also has means to protect against accidental activation, reading on the claimed "system for contacting help comprising: an emergency device carried on the person of a user, said emergency device having a wireless sending unit activated by an activation unit, wherein the emergency device is formed as to prevent accidental activation," (col. 2 lines 62-63, col. 6 lines 50-51, col. 8 lines 46-50, col. 9 lines 21-23).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow a WCD used for emergencies to

protect against accidental activation of the device as taught by Oxley in the system of Menard, in order to in order to provide communication between users or patients and rescuers or their caregivers.

Consider **claim 23**, Menard, as modified by Oxley, clearly shows and discloses the claimed invention **as applied to claim 1 above**, and in addition, Oxley further discloses that the emergency activation button as shown in of the WCD shown in Fig. 6 is recessed to reduce the probability of accidental depression. The emergency activation button is clearly shown in an oval shape and being recessed would be surrounded by an oval shaped portion of the housing, reading on the claimed "emergency device comprises a button and a cylinder where the button is surrounded by the cylinder which extends higher than the button to reduce the change of accidentally pressing the button," (fig. 6, col. 9 lines 23-25).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a recessed activation button apart of the WCD to protect against accidental activation of the device as taught by Oxley in the system of Menard, in order to in order to provide communication between users or patients and rescuers or their caregivers.

Consider **claim 26**, Menard, as modified by Oxley, clearly shows and discloses the claimed invention **as applied to claim 1 above**, and in addition, Menard further discloses that the PMD may be surgically implanted, strapped externally to the body, carried in a pocket, transported in a carrying case, or

installed as a home appliance, reading on the claimed "emergency device is a personal medical emergency device worn by a person," (paragraph 7).

6. **Claims 2, 5 and 6**, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Menard (Pub # U.S. 2003/0001743 A1)** in view of **Oxley (U.S. Patent # 6,671,350 B1)**, and in further view of **Tognazzini (U.S. Patent # 5,914,675)**.

Consider **claim 2**, and as applied to **claim 1** above, Menard, as modified by Oxley, clearly shows and discloses the claimed invention except that data is sent from the personal device to the cell phone containing information.

In the same field of endeavor, Tognazzini clearly shows and discloses a portable emergency locator device that includes a GPS receiver generating location data and a wireless telephone transceiver for transmitting the location data as digital data to a called station during a two-way voice conversation via a wireless telephone network. Upon the detection of an event, a control processor of the portable emergency locator device determines if the detected event is an emergency trigger, and if so, stored GPS data is accessed from memory. The control processor accesses a predetermined number of a rescue station, and initiates a telephone call with the wireless telephone network. After the wireless network has established a communication link between the emergency device and the called station, the control processor transmits the accessed GPS data, reading on the claimed "signal includes data selected from the group comprising

medical information, location and contact information,” (abstract, col. 7 lines 42-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the location of an emergency device when signaling rescue as taught by Tognazzini in the system of Menard, as modified by Oxley, in order to provide communication between users or patients and rescue or their caregivers.

Consider **claim 5**, and **as applied to claim 1** above, Menard, as modified by Oxley, clearly shows and discloses the claimed invention except that the cell phone includes a way to locate the victim.

In the same field of endeavor, Tognazzini clearly shows and discloses a portable emergency locator device that may be implemented as a hand-held device. The emergency locator device includes a wireless receiver interface, such as a GPS interface that receives digital location data indicating a current location from a wireless location data receiver, reading on the claimed “mobile telephone includes means for estimating the location of the user,” (col. 4 lines 3-25).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the emergency device to determine its location as taught by Tognazzini in the system of Menard, as modified by Oxley, in order to provide effective communication between users or patients and rescue or their caregivers during an emergency situation.

Consider **claim 6**, the combination of Menard and Oxley, as modified by Tognazzini, clearly shows and discloses the claimed invention **as applied to claim 5**, and in addition, Tognazzini further discloses that the receiver is preferably a GPS receiver that receives wireless location data from a wireless location detection system such as the global positioning system (GPS), reading on the claimed "means for estimating the location of the user comprises a GPS receiver," (col. 4 lines 3-29).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the emergency device to determine its location as taught by Tognazzini in the system of Menard, as modified by Oxley, in order to provide effective communication between users or patients and rescue or their caregivers during an emergency situation.

7. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Menard (Pub # U.S. 2003/0001743 A1)** in view of **Oxley (U.S. Patent # 6,671,350 B1)**, and in further view of **Luman (U.S. Patent # 6,445,300 B1)**.

Consider **claim 3**, and **as applied to claim 1** above, Menard, as modified by Oxley, clearly shows and discloses the claimed invention except that the personal emergency device stores data such as the prior health conditions and allergies of the victim.

In the same field of endeavor, Luman clearly shows and discloses a small, wireless transmitter which contains important, personal information, such as the

user's name, address, current medications, allergies, contact information and the like. When a user encounters a distress situation, the transmitter transmits a signal, and interacts with emergency personnel. When the user becomes incapacitated, emergency personnel downloads personal information such as the user's name, address, contact persons, medical condition, allergies and physician, reading on the claimed "emergency device includes stored data on the user's prior medical conditions and any allergies to medication," (abstract, col. 1 lines 50-60, col. 3 lines 13-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the emergency device transmit the users personal information as taught by Luman in the system of Menard, as modified by Oxley, in order to provide effective communication between users or patients and rescue or their caregivers during an emergency situation.

8. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of **Menard (Pub # U.S. 2003/0001743 A1)** and **Oxley (U.S. Patent # 6,671,350 B1)** in view of **Tognazzini (U.S. Patent # 5,914,675)**, and in further view of **Luman (U.S. Patent # 6,445,300 B1)**.

Consider **claim 4**, and as applied to **claim 2** above, the combination of Menard and Oxley, as modified by Tognazzini, clearly shows and discloses the claimed invention except that the personal emergency device stores data such as the prior health conditions and allergies of the victim.

In the same field of endeavor, Luman clearly shows and discloses a small, wireless transmitter which contains important, personal information, such as the user's name, address, current medications, allergies, contact information and the like. When a user encounters a distress situation, the transmitter transmits a signal, and interacts with emergency personnel. When the user becomes incapacitated, emergency personnel downloads personal information such as the user's name, address, contact persons, medical condition, allergies and physician, reading on the claimed "emergency device includes stored data on the user's prior medical conditions and any allergies to medication," (abstract, col. 1 lines 50-60, col. 3 lines 13-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the emergency device transmit the users personal information as taught by Luman in the systems of Menard and Oxley, as modified by Tognazzini, in order to provide effective communication between users or patients and rescue or their caregivers during an emergency situation.

9. **Claims 7-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of **Menard (Pub # U.S. 2003/0001743 A1)** and **Oxley (U.S. Patent # 6,671,350 B1)** in view of **Luman (U.S. Patent # 6,445,300 B1)**, and in further view of **Balachandran (U.S. Patent # 6,073,004)**.

Consider **claim 7**, and **as applied to claim 3 above**, the combination of Menard and Oxley, as modified by Luman, clearly show and disclose the claimed invention except that cell phone invokes response from the network.

In the same field of endeavor, Balachandran clearly shows and discloses a system and method for enabling emergency call initiations in response to the detection of a vehicle accident. When an activation signal is sent from a sensor, a call is setup between a cellular telephone **15** and a base station **60**, which forwards the emergency call setup request to the mobile switching center (MSC) responsible for controlling the cellular telephone. The MSC, then contacts the (home location register) HLR for the requesting cellular telephone, reading on the claimed "mobile telephone sends a signal to a telephone network activating a response from the telephone network," (abstract, col. 3 lines 7-28).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the communication network respond to the emergency call set up as taught by Balachandran in the systems of Menard and Oxley, as modified by Luman, in order to provide effective and timely communication between users or patients and rescue or their caregivers during an emergency situation.

Consider **claim 8**, the combination of Menard and Oxley, as modified by Luman and Balachandran, clearly shows and discloses the claimed invention **as applied to claim 7** above, and in addition, Balachandran further discloses a database **68** within the subscriber account information for the cellular telephone

that stores a variety of emergency information associated with the subscriber of the cellular telephone unit. This emergency information is forwarded to the MSC controlling the cellular telephone. The emergency information is then forwarded to an emergency operator, for example, a 911 operator, reading on the claimed "response from the telephone network comprises at least receiving said stored data and transmitting the stored data to the emergency number," (col. 3 lines 27-46).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the communication network respond to the emergency call set up and forward it to 911 as taught by Balachandran in the systems of Menard and Oxley, as modified by Luman, in order to provide effective and timely communication between users or patients and rescue or their caregivers during an emergency situation.

Consider **claim 9**, the combination of Menard and Oxley, as modified by Luman and Balachandran, clearly shows and discloses the claimed invention **as applied to claim 7** above, and in addition, Balachandran further discloses that the MSC contacts the base station to request location information for the cellular telephone, reading on the claimed "the response from the telephone network includes estimating the location of the user by analyzing signals from the mobile telephone," (col. 3 lines 42-43). It is known in the art the various ways in which the serving base station locates a mobile telephone.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the communication network locate the cellular telephone as taught by Balachandran in the systems of Menard and Oxley, as modified by Luman, in order to provide effective and timely communication between users or patients and rescue or their caregivers during an emergency situation.

Consider **claim 10**, the combination of Menard and Oxley, as modified by Luman and Balachandran, clearly shows and discloses the claimed invention **as applied to claim 8** above, and in addition, Balachandran further discloses that the MSC contacts the base station to request location information for the cellular telephone, reading on the claimed "the response from the telephone network includes estimating the location of the user by analyzing signals from the mobile telephone," (col. 3 lines 42-43). It is known in the art the various ways in which the serving base station locates a mobile telephone.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the communication network locate the cellular telephone as taught by Balachandran in the systems of Menard and Oxley, as modified by Luman, in order to provide effective and timely communication between users or patients and rescue or their caregivers during an emergency situation.

10. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Menard (Pub # U.S. 2003/0001743 A1)** in view of **Timbel (U.S. Patent # 5,971,921)**.

Consider **claim 11**, Menard clearly shows and discloses a personal device **100** carried on the person of the victim **V**. The victim undergoes some sort of cardiac problem, such as tachycardia, that causes the personal device to attempt to establish communication with a caregiver. While this is going on, a bystander **B** attempts to give aid to the victim. The bystander is carrying on his person a personal wireless device **600**, for example, a cell phone. When the personal device attempts to establish communication, it sets up communication with the personal wireless device by local area wireless **330**, for example. Next, the personal device may request the personal wireless device to establish a connection to the dispatcher or medical caregiver **D**, using network based communications **360**. Using network based communications, the personal wireless device establishes a connection to the computer of the dispatcher or medical caregiver, reading on the claimed "apparatus for contacting help comprising: an emergency device carried on the person of a user, said emergency device having a wireless sending unit activated by an activation unit; a mobile telephone having a wireless receiving unit adapted to receive signals from said wireless sending unit, said mobile telephone being adapted for communicating with a telephone network to call an emergency number; in which said emergency device sends a signal to said mobile telephone in response to

the activation of said wireless sending unit; and said mobile telephone calls said emergency number in response to said signal," (paragraphs 98-100).

However, Menard fails to specifically disclose that if communication is established with a caregiver and they do not receive a voice response, it is interpreted as a medical emergency.

In the same field of endeavor, Timbel clearly shows and discloses an alarm system for a user needing medical assistance that comprises a portable transmitter having a hand actuated actuator. When the user operates the transmitter it sends a wireless signal to the receiver/caller unit, which in turn, dials a telephone number of the monitoring center and establishes digital communication. An operator located in the monitoring center notes the alarm on a computer screen and attempts to establish two-way voice communication. If voice communication can be established between the user and the monitoring center, an appropriate response may be discussed. However, if voice communication cannot be established within a predetermined time period, the operator at the monitoring center will follow protocol procedures to call for local medical assistance, reading on the claimed "apparatus for contacting help comprising: an emergency device carried on the person of a user, said emergency device having a wireless sending unit activated by an activation unit; if an operator at the emergency number answers by voice and then does not receive a voice response in reply, the signal from the medical devices is interpreted as a medical emergency," (col. 2 lines 27-30, col. 3 lines 47-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have an operator that receives a alarm to assume that its an emergency call if they do not receive a voice response as taught by Timbel in the system of Menard, in order to provide effective and timely communication between users or patients and rescue or their caregivers during an emergency situation.

11. **Claims 12, 15 and 16**, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Menard (Pub # U.S. 2003/0001743 A1)** in view of **Timbel (U.S. Patent # 5,971921)**, and in further view of **Tognazzini (U.S. Patent # 5,914,675)**.

Consider **claim 12**, and **as applied to claim 11** above, Menard, as modified by Timbel, clearly shows and discloses the claimed invention except that data is sent from the personal device to the cell phone containing information.

In the same field of endeavor, Tognazzini clearly shows and discloses a portable emergency locator device that includes a GPS receiver generating location data and a wireless telephone transceiver for transmitting the location data as digital data to a called station during a two-way voice conversation via a wireless telephone network. Upon the detection of an event, a control processor of the portable emergency locator device determines if the detected event is an emergency trigger, and if so, stored GPS data is accessed from memory. The control processor accesses a predetermined number of a rescue station, and

initiates a telephone call with the wireless telephone network. After the wireless network has established a communication link between the emergency device and the called station, the control processor transmits the accessed GPS data, reading on the claimed "signal includes data selected from the group comprising medical information, location and contact information," (abstract, col. 7 lines 42-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the location of an emergency device when signaling rescue as taught by Tognazzini in the system of Menard, as modified by Timbel, in order to provide communication between users or patients and rescue or their caregivers.

Consider **claim 15**, and **as applied to claim 11** above, Menard, as modified by Timbel, clearly shows and discloses the claimed invention except that the cell phone includes a way to locate the victim.

In the same field of endeavor, Tognazzini clearly shows and discloses a portable emergency locator device that may be implemented as a hand-held device. The emergency locator device includes a wireless receiver interface, such as a GPS interface that receives digital location data indicating a current location from a wireless location data receiver, reading on the claimed "mobile telephone includes means for estimating the location of the user," (col. 4 lines 3-25).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the emergency device to determine its location as taught by Tognazzini in the system of Menard, as modified by Timbel, in order to provide effective communication between users or patients and rescue or their caregivers during an emergency situation.

Consider **claim 16**, the combination of Menard and Oxley, as modified by Tognazzini, clearly shows and discloses the claimed invention **as applied to claim 15**, and in addition, Tognazzini further discloses that the receiver is preferably a GPS receiver that receives wireless location data from a wireless location detection system such as the global positioning system (GPS), reading on the claimed "means for estimating the location of the user comprises a GPS receiver," (col. 4 lines 3-29).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the emergency device to determine its location as taught by Tognazzini in the system of Menard, as modified by Timbel, in order to provide effective communication between users or patients and rescue or their caregivers during an emergency situation.

12. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Menard (Pub # U.S. 2003/0001743 A1)** in view of **Timbel (U.S. Patent # 5,971,921)**, and in further view of **Luman (U.S. Patent # 6,445,300 B1)**.

Consider **claim 13**, and **as applied to claim 11** above, Menard, as modified by Timbel, clearly shows and discloses the claimed invention except that the personal emergency device stores data such as the prior health conditions and allergies of the victim.

In the same field of endeavor, Luman clearly shows and discloses a small, wireless transmitter which contains important, personal information, such as the user's name, address, current medications, allergies, contact information and the like. When a user encounters a distress situation, the transmitter transmits a signal, and interacts with emergency personnel. When the user becomes incapacitated, emergency personnel downloads personal information such as the user's name, address, contact persons, medical condition, allergies and physician, reading on the claimed "emergency device includes stored data on the user's prior medical conditions and any allergies to medication," (abstract, col. 1 lines 50-60, col. 3 lines 13-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the emergency device transmit the users personal information as taught by Luman in the system of Menard, as modified by Timbel, in order to provide effective communication between users or patients and rescue or their caregivers during an emergency situation.

13. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of **Menard (Pub # U.S. 2003/0001743 A1)** and **Timbel (U.S. Patent #**

5,971,921) in view of **Tognazzini (U.S. Patent # 5,914,675)**, and in further view of **Luman (U.S. Patent # 6,445,300 B1)**.

Consider **claim 14**, and **as applied to claim 12** above, the combination of Menard and Timbel, as modified by Tognazzini, clearly shows and discloses the claimed invention except that the personal emergency device stores data such as the prior health conditions and allergies of the victim.

In the same field of endeavor, Luman clearly shows and discloses a small, wireless transmitter which contains important, personal information, such as the user's name, address, current medications, allergies, contact information and the like. When a user encounters a distress situation, the transmitter transmits a signal, and interacts with emergency personnel. When the user becomes incapacitated, emergency personnel downloads personal information such as the user's name, address, contact persons, medical condition, allergies and physician, reading on the claimed "emergency device includes stored data on the user's prior medical conditions and any allergies to medication," (abstract, col. 1 lines 50-60, col. 3 lines 13-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the emergency device transmit the users personal information as taught by Luman in the systems of Menard and Timbel, as modified by Tognazzini, in order to provide effective communication between users or patients and rescue or their caregivers during an emergency situation.

14. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Menard (Pub # U.S. 2003/0001743 A1)** in view of **Hunter et al. (Pub # U.S. 2003/0069002 A1)**.

Consider **claim 17**, Menard clearly shows and discloses a personal device **100** carried on the person of the victim **V**. The victim undergoes some sort of cardiac problem, such as tachycardia, that causes the personal device to attempt to establish communication with a caregiver. While this is going on, a bystander **B** attempts to give aid to the victim. The bystander is carrying on his person a personal wireless device **600**, for example, a cell phone. When the personal device attempts to establish communication, it sets up communication with the personal wireless device by local area wireless **330**, for example. Next, the personal device may request the personal wireless device to establish a connection to the dispatcher or medical caregiver **D**, using network based communications **360**. Using network based communications, the personal wireless device establishes a connection to the computer of the dispatcher or medical caregiver, reading on the claimed "article of manufacture comprising a program storage medium readable by a computing device in a mobile telephone handset, the medium embodying instructions executable by the computing device for performing method steps comprising: receiving signals from a wireless sending unit carried on the person of a user, said mobile telephone being adapted for communicating with a telephone network to call an emergency number; in which said emergency device sends a signal to said mobile telephone

in response to the activation of said wireless sending unit; and said mobile telephone calls said emergency number in response to said signal," (paragraphs 98-100).

However, Menard fails to specifically disclose that the personal device is capable of turning on the cell phone.

In the same field of endeavor, Hunter et al. clearly show and disclose a method for disseminating emergency notification content from an emergency originating source. The method comprising: delivering the emergency notification content from the emergency originating source to at least one transmitting party; selecting a subset of users from among a set of users for dissemination of the emergency notification content based on the subject matter of the emergency notification content; and delivering the emergency notification content from the at least one transmitting party to a device corresponding to each user from the selected subset of users (abstract). A device is provided for displaying emergency notification content to a corresponding user. The device comprises: a receiver for receiving the emergency notification content from a remote location; and a display for displaying the emergency notification content to the corresponding user; wherein the device is other than a radio or television. Preferably, the device is selected from a group consisting of a set top box, a computer, a video cassette player, a DVD player, a CD player, a WebTV device, a video game player, a video game controller, a pager, a cellular phone, and a personal digital assistant. Preferably, the device further comprises a GPS

transmitter for transmitting a GPS location of the device to the remote location. Preferably, the device further comprises means for automatically turning on the device to display the emergency notification content when the device is determined to be off, reading on the claimed "wireless sending unit is capable of turning on the mobile telephone," (paragraph 29).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have means for automatically turning on a cellular phone as taught by Hunter et al. in the system of Menard, in order to provide effective and timely communication between users or patients and rescue or their caregivers during an emergency situation.

15. **Claims 18, 21 and 22**, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Menard (Pub # U.S. 2003/0001743 A1)** in view of **Timbel (U.S. Patent # 5,971921)**, and in further view of **Hunter et al. (Pub # U.S. 2003/0069002 A1)**.

Consider **claim 18**, and **as applied to claim 17** above, Menard, as modified by Hunter et al., clearly shows and discloses the claimed invention except that data is sent from the personal device to the cell phone containing information.

In the same field of endeavor, Tognazzini clearly shows and discloses a portable emergency locator device that includes a GPS receiver generating location data and a wireless telephone transceiver for transmitting the location data as digital data to a called station during a two-way voice conversation via a

wireless telephone network. Upon the detection of an event, a control processor of the portable emergency locator device determines if the detected event is an emergency trigger, and if so, stored GPS data is accessed from memory. The control processor accesses a predetermined number of a rescue station, and initiates a telephone call with the wireless telephone network. After the wireless network has established a communication link between the emergency device and the called station, the control processor transmits the accessed GPS data, reading on the claimed "signal includes data selected from the group comprising medical information, location and contact information," (abstract, col. 7 lines 42-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the location of an emergency device when signaling rescue as taught by Tognazzini in the system of Menard, as modified by Hunter et al., in order to provide communication between users or patients and rescue or their caregivers.

Consider **claim 21**, and **as applied to claim 17** above, Menard, as modified by Hunter et al., clearly shows and discloses the claimed invention except that the cell phone includes a way to locate the victim.

In the same field of endeavor, Tognazzini clearly shows and discloses a portable emergency locator device that may be implemented as a hand-held device. The emergency locator device includes a wireless receiver interface, such as a GPS interface that receives digital location data indicating a current

location from a wireless location data receiver, reading on the claimed "mobile telephone includes means for estimating the location of the user," (col. 4 lines 3-25).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the emergency device to determine its location as taught by Tognazzini in the system of Menard, as modified by Hunter et al., in order to provide effective communication between users or patients and rescue or their caregivers during an emergency situation.

Consider **claim 16**, the combination of Menard and Hunter et al., as modified by Tognazzini, clearly shows and discloses the claimed invention **as applied to claim 15**, and in addition, Tognazzini further discloses that the receiver is preferably a GPS receiver that receives wireless location data from a wireless location detection system such as the global positioning system (GPS), reading on the claimed "means for estimating the location of the user comprises a GPS receiver," (col. 4 lines 3-29).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the emergency device to determine its location as taught by Tognazzini in the system of Menard, as modified by Hunter et al., in order to provide effective communication between users or patients and rescue or their caregivers during an emergency situation.

16. **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Menard (Pub # U.S. 2003/0001743 A1)** in view of **Hunter et al. (Pub # U.S. 2003/0069002 A1)**, and in further view of **Luman (U.S. Patent # 6,445,300 B1)**.

Consider **claim 19**, and as applied to **claim 17** above, Menard, as modified by Hunter et al., clearly shows and discloses the claimed invention except that the personal emergency device stores data such as the prior health conditions and allergies of the victim.

In the same field of endeavor, Luman clearly shows and discloses a small, wireless transmitter which contains important, personal information, such as the user's name, address, current medications, allergies, contact information and the like. When a user encounters a distress situation, the transmitter transmits a signal, and interacts with emergency personnel. When the user becomes incapacitated, emergency personnel downloads personal information such as the user's name, address, contact persons, medical condition, allergies and physician, reading on the claimed "emergency device includes stored data on the user's prior medical conditions and any allergies to medication," (abstract, col. 1 lines 50-60, col. 3 lines 13-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the emergency device transmit the users personal information as taught by Luman in the system of Menard, as modified by Hunter et al., in order to provide effective communication between users or patients and rescue or their caregivers during an emergency situation.

17. **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of **Menard (Pub # U.S. 2003/0001743 A1)** and **Hunter et al. (Pub # U.S. 2003/0069002 A1)** in view of **Tognazzini (U.S. Patent # 5,914,675)**, and in further view of **Luman (U.S. Patent # 6,445,300 B1)**.

Consider **claim 20**, and as applied to **claim 18** above, the combination of Menard and Hunter et al., as modified by Tognazzini, clearly shows and discloses the claimed invention except that the personal emergency device stores data such as the prior health conditions and allergies of the victim.

In the same field of endeavor, Luman clearly shows and discloses a small, wireless transmitter which contains important, personal information, such as the user's name, address, current medications, allergies, contact information and the like. When a user encounters a distress situation, the transmitter transmits a signal, and interacts with emergency personnel. When the user becomes incapacitated, emergency personnel downloads personal information such as the user's name, address, contact persons, medical condition, allergies and physician, reading on the claimed "emergency device includes stored data on the user's prior medical conditions and any allergies to medication," (abstract, col. 1 lines 50-60, col. 3 lines 13-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the emergency device transmit the users personal information as taught by Luman in the systems of Menard and

Hunter et al., as modified by Tognazzini, in order to provide effective communication between users or patients and rescue or their caregivers during an emergency situation.

18. **Claim 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Menard (Pub # U.S. 2003/0001743 A1)** in view of **Oxley (U.S. Patent # 6,671,350 B1)**, and in further view of **Nee (Pub # 2003/0128121 A1)**.

Consider **claim 24**, and **as applied to claim 1 above**, Menard, as modified by Oxley, clearly shows and discloses the claimed invention except that the personal device is a bracelet.

In the same field of endeavor, Nee clearly shows and discloses a system for selectively placing a distress call. The system comprises a wireless external receiver configured to receive a wireless signal from an implanted medical device; and an external communications device connected to the wireless external receiver. The external communications device is configured to transmit a distress call to a remote location in response to receiving input from the wireless external receiver. The external system is preferably a self-contained unit configured to communicate with the implanted transmitter via the wireless connection and with the remote emergency unit via the network connection. In one embodiment, the external system is a portable unit that the patient may carry on their person (e.g., by means of a shoulder harness, a waist support, a wrist

band, a purse, etc.), reading on the claimed "emergency device is in the form of a bracelet," (paragraphs 11, 37).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have an external receiver in contact with a remote emergency unit be portable and worn as a wrist band as taught by Nee in the system of Menard, as modified by Oxley, in order to provide effective communication between users or patients and rescue or their caregivers during an emergency situation.

Allowable Subject Matter

19. **Claim 25** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

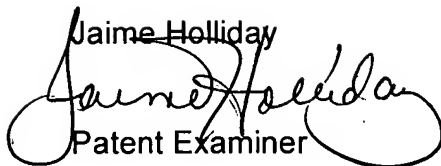
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime M. Holliday whose telephone number is (571) 272-8618. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER

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Jaime Holliday

Patent Examiner


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